

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address): THOMAS P. RILEY, ESQ., Bar No.: 194706 THOMAS P. RILEY, LAW OFFICES OF 1114 FREMONT AVENUE SOUTH PASADENA, CA 91030		TELEPHONE NO. (626) 799-9797 tprlaw@att.net	FOR COURT USE ONLY
ATTORNEY FOR (Name): PLAINTIFF		Ref. No. or File No. THE DERBY 2/25/06	
Insert name of court, judicial district or branch court, if any: UNITED STATES DISTRICT COURT NORTHERN DISTRICT 280 SOUTH FIRST STREET SAN JOSE, CA 95113			
PLAINTIFF/PETITIONER J & J SPORTS PRODUCTIONS, INC.			
DEFENDANT/RESPONDENT MEDINARIOS			
PROOF OF SERVICE	DATE	TIME	DEPT/DIV
			CASE NUMBER: C0800998RS

1. At the time of service I was at least 18 years of age and not a party to this action.

2. I served copies of the

SUMMONS & COMPLAINT; CIVIL COVER SHEET; CERTIFICATION AS TO INTERESTED PARTIES; ORDER SETTING INITIAL CASE MANAGEMENT CONFERENCE AND ADR DEADLINES; STANDING ORDER DOCUMENTS; WELCOME TO USDC FOR THE NORTHERN DIST. OF CALIF. CLERK'S OFFICE; HEARING SCHEDULES; GENERAL ORDER NO.S' 40, 45, & 53; ECF REG. INFO.; ADR INFORMATION DOCUMENTS

3. a. Party served: **SALVADOR MEDINARIOS, INDIVIDUALLY AND D/B/A THE DERBY**

4. Address where the party was served: **2036 RIDGEMONT DRIVE**
SAN JOSE, CA 95148

5. I served the party

b. **by substituted service.** On: **May 10, 2008 at 03:50 pm** I left the documents listed in item 2 with or in the presence of **GRACIA HERNANDEZ - MOTHER**

(3) **(physical address unknown)** a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.

(4) A declaration of mailing is attached.

(5) I attach a **declaration of diligence** stating actions taken first to attempt personal service under the following Code of Civil Procedure section :

SERVICE MADE PURSUANT TO FRCP 4(e) (2)

7. **Person who served papers**

a. **M. WEEKER**

b. **ABSOLUTE SERVICE OF LOS ANGELES**
1301 WEST SECOND STREET, SUITE 204
LOS ANGELES, CA 90026

c. **(213) 481-7334**

d. **The fee for service was: \$95.00**

e. I am: (3) registered California process server.

(i) independent contractor

(ii) Registration No.: **617**

(iii) County: **SANTA CLARA**

8. **I declare** under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: **May 19, 2008**


M. WEEKER

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address): THOMAS P. RILEY, ESQ., Bar No.: 194706 THOMAS P. RILEY, LAW OFFICES OF 1114 FREMONT AVENUE SOUTH PASADENA, CA 91030		TELEPHONE NO.: (626) 799-9797 tprlaw@att.net	FOR COURT USE ONLY	
ATTORNEY FOR (Name): PLAINTIFF		Ref No. or File No: THE DERBY 2/25/06		
Insert name of court, judicial district or branch court, if any: UNITED STATES DISTRICT COURT NORTHERN DISTRICT 280 SOUTH FIRST STREET SAN JOSE, CA 95113				
PLAINTIFF J & J SPORTS PRODUCTIONS, INC.				
DEFENDANT: MEDINARIOS				
DECLARATION RE: DILIGENCE	DATE:	TIME:	DEPT/DIV:	CASE NUMBER: C0800998RS

I received the within process on May 5, 2008 and that after due and diligent effort I have been unable to personally serve said party. The following itemization of the dates and times of attempts details the efforts made to effect personal service. Additional costs for diligence are recoverable under CCP §1033.5 (a)(4)(B).

Party Served: **SALVADOR MEDINARIOS, INDIVIDUALLY AND D/B/A THE DERBY**

Residence: **2036 RIDGEMONT DRIVE, SAN JOSE, CA 95148**

Business: **Business address was not known at the time of service.**

As enumerated below:

May 8, 2008 07:15 pm
NO ANSWER (RESIDENCE).

May 9, 2008 06:25 am
NO ANSWER (RESIDENCE).

May 9, 2008 01:25 pm
NO ANSWER (RESIDENCE), NO ACTIVITY.

May 10, 2008 03:49 pm
NOT HOME (RESIDENCE) PER GRACIA HERNANDEZ, MOTHER, STATED THIS IS THE SUBJECT'S MAILING ADDRESS.

May 10, 2008 03:50 pm
SUBSTITUTED SERVICE. RECIPIENT INSTRUCTED TO DELIVER DOCUMENTS TO DEFENDANT AS NAMED.

Person who served papers

M. WEEKER
ABSOLUTE SERVICE OF LOS ANGELES
1301 WEST SECOND STREET, SUITE 204
LOS ANGELES, CA 90026
(213) 481-7334

The fee for service was: \$95.00
I am: registered California process server,
independent contractor
Registration No.: **617**
County: **SANTA CLARA**

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: **May 19, 2008**


M. WEEKER

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address): THOMAS P. RILEY, ESQ., Bar No.: 194706 THOMAS P. RILEY, LAW OFFICES OF 1114 FREMONT AVENUE SOUTH PASADENA, CA 91030		TELEPHONE NO.: (626) 799-9797	FOR COURT USE ONLY	
ATTORNEY FOR (Name): PLAINTIFF		Ref. No. or File No.: THE DERBY 2/25/06		
Insert name of court, judicial district or branch court, if any: UNITED STATES DISTRICT COURT NORTHERN DISTRICT 280 SOUTH FIRST STREET SAN JOSE, CA 95113				
PLAINTIFF/PETITIONER: J & J SPORTS PRODUCTIONS, INC.				
DEFENDANT/RESPONDENT: MEDINARIOS				
PROOF OF SERVICE BY MAIL	DATE:	TIME:	DEPT/DIV:	CASE NUMBER: C0800998RS

I am a citizen of the United States and employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 1301 West Second Street, Suite 204, Los Angeles, CA 90026.

On **May 12, 2008**, after substituted service under section CCP 415.20(a) or 415.20(b) or FRCIV.P 4(d)(1) was made, I mailed copies of the:

SUMMONS & COMPLAINT; CIVIL COVER SHEET; CERTIFICATION AS TO INTERESTED PARTIES; ORDER SETTING INITIAL CASE MANAGEMENT CONFERENCE AND ADR DEADLINES; STANDING ORDER DOCUMENTS; WELCOME TO USDC FOR THE NORTHERN DIST. OF CALIF. CLERK'S OFFICE; HEARING SCHEDULES; GENERAL ORDER NO.S' 40, 45, & 53; ECF REG. INFO.; ADR INFORMATION DOCUMENTS

to the defendant in said action by placing a true copy thereof enclosed in a sealed envelope, with First Class postage thereon fully prepaid, in the United States Mail at LOS ANGELES, California, addressed as follows:

SALVADOR MEDINARIOS, INDIVIDUALLY AND D/B/A THE DERBY
2036 RIDGEMONT DRIVE
SAN JOSE, CA 95148

I am readily familiar with the firm's practice for collection and processing of documents for mailing. Under that practice, it would be deposited within the United States Postal Service, on that same day, with postage thereon fully prepaid at LOS ANGELES, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one (1) day after date of deposit for mailing in affidavit.

Person who served papers

M. MANCHESTER
ABSOLUTE SERVICE OF LOS ANGELES
1301 WEST SECOND STREET, SUITE 204
LOS ANGELES, CA 90026
(213) 481-7334

The fee for service was: \$95.00

I am: registered California process server.
employee
Registration No.: 5211
County: **LOS ANGELES**

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: **May 19, 2008**


M. MANCHESTER

AO 440 (Rev. 10/93) Summons in a Civil Action

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ADP

J & J Sports Productions, Inc.

E-FILING

SUMMONS IN A CIVIL CASE

CASE NUMBER:

C08 00998 RS

V.

Salvador Medinarios, individually and d/b/a The
Derby

TO:

Salvador Medinarios
399 N. 13th Street
Santa Clara, CA 95112

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY

Thomas P. Riley, SBN 194706
Law Offices of Thomas P. Riley, P.C.
First Library Square
1114 Fremont Avenue
South Pasadena, CA 91030-3227
Tel: (626) 799-9797
Fax: (626) 799-9795

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgement by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

FEB 19 2008

RICHARD W. WIEKING

CLERK

DATE



(BY) DEPUTY CLERK

Tiffany Salinas-Harwell

AO 440 (Rev. 10-93) Summons in a Civil Action

RETURN OF SERVICE		
Service of the Summons and Complaint was made by me ¹		DATE
Name of SERVER (PRINT)		TITLE
<i>Check one box below to indicate appropriate method of service</i>		
<input type="radio"/>	Served Personally upon the Defendant. Place where served:	
<input type="radio"/>	Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left	
<input type="radio"/>	Returned unexecuted:	
<input type="radio"/>	Other (specify):	
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <p>Executed on _____</p> <div style="display: flex; justify-content: space-between;"> <div style="text-align: center;"> <p><i>Date</i></p> </div> <div style="text-align: center;"> <p>_____ <i>Signature of Server</i></p> <p>_____ <i>Address of Server</i></p> </div> </div>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.